



10/08/04

2851

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Osamu TANITSU et al.

Group Art Unit: 2851

Application No.: 09/994,861

Examiner: Alan A. Mathews

Filed: November 28, 2001

Docket No.: 111221

For: ILLUMINATION OPTICAL APPARATUS AND EXPOSURE APPARATUS
PROVIDED WITH ILLUMINATION OPTICAL APPARATUS

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the August 20, 2003 Election of Species Requirement, Applicants provisionally elect Species II, drawn to Figures 10-24. At least claims 1, 7-9 and 11-43 read on the elected species. This election is made with traverse.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid

unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

The Examiner is respectfully requested to reconsider and withdraw the Election of Species Requirement and to examine all claims in this application.

Respectfully submitted,



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MAC:JLC/dap

Attachment: Preliminary Amendment

Date: September 10, 2003

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